

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SALAS ULLOA JONATHAN,

Petitioner,

-against-

STACY N. STONE, WARDEN,

Respondent.

23-CV-1007 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated February 17, 2023, the Court directed Petitioner, within thirty days, to submit a completed request to proceed *in forma pauperis* (“IFP”) or pay the \$5.00 fee required to file a petition for a writ of *habeas corpus* in this court.¹ That order specified that failure to comply would result in dismissal of the petition. Petitioner has not filed an IFP application or paid the fee. Accordingly, the petition is dismissed without prejudice. *See* 28 U.S.C. §§ 1914, 1915.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

¹ Petitioner originally filed this action in the United States District Court for the Southern District of Georgia. *See Jonathan v. Stone*, No. 3:23-CV-0006 (S.D. Ga. Jan 25, 2023). By order dated January 25, 2023, Magistrate Judge Brian K. Epps transferred the action to this court. (ECF 3.)

The Clerk of Court is directed to enter judgment in this case.

SO ORDERED.

Dated: April 21, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge